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# APPENDIX E

## Certificate of the Supreme Court of New Jersey as to the existence of Federal Questions.

(Filed November 1, 1965)

This matter being open to the Court by the plaintiff-appellant, this Court, in addition to the order made herein, orders it to be certified and made part of the record in this case and of the judgment and entry of affirmance as to the defendants other than Johnson & Johnson, Ortho Pharmaceutical Corporation and William Oroshnik, and entry of judgment of reversal as to defendants Johnson & Johnson, Ortho Pharmaceutical Corporation and William Oroshnik, heretofore rendered and made hereon, that in the oral argument as well as by the briefs and the petition for rehearing made in this Court, plaintiff-appellant urged and relied upon the following questions under the Constitution and the Statutes of the United States:

1. Whether the assignment of U.S.P. 3,079,397 and 3,166,475 from the plaintiff to the defendants-respondents invalidates the provisions of 35 U.S.C. 102(c) and 35 U.S.C. 154.

2. Whether invention and monopoly of a product necessarily includes the making and the use of the product under 35 U.S.C. 101, 111, 112 and 154.

3. Whether 35 U.S.C. 251, 252 and 253 impose a duty on a patentee to correct errors in an issued patent or disclaim it.

4. Whether the Supremacy Clause, U.S. Const., Art. VI, requires that state courts apply the rules of the United States Patent Office in a field of federal pre-emption,

but the Supreme Court of New Jersey declines to certify that it passed upon any of these questions in deciding this case.

Joseph Weintraub, C.J.
SUPREME COURT OF NEW JERSEY

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